

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF ZONING APPEALS
OF THE CITY OF JASPER, INDIANA AND PUBLIC HEARING
February 4, 2015**

Vice Chairman Josh Gunselman called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Secretary Dan Buck took roll call as follows:

Jerry Uebelhor, Chairman	-Absent	Randy Mehringer	-Present
Josh Gunselman, Vice Chairman	-Present	Darla Blazey Director of Community Development/Planning	-Present
Dan Buck, Secretary	-Present	Renee Kabrick, City Attorney	-Present
Bob Cook	-Absent		

Mayor Terry Seitz appointed Paul Lorey to serve on the board for tonight's meeting.

PLEDGE OF ALLEGIANCE

Vice Chairman Gunselman led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Minutes of the January 7, 2015 regular meeting were reviewed. Randy Mehringer made a motion to approve the minutes as mailed. Secretary Buck seconded it. Motion carried 4-0.

STATEMENT

Vice Chairman Gunselman read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto, and the City of Jasper Comprehensive Plan. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

NEW BUSINESS

Petition of Ireland Utilities, Andrew L. Hulsman, President (as petitioner) and Dave Bromm (as owner) for a special exception to allow a public utility structure in an R-1 (Residential) zone

Randy Mehringer recused himself from the board due to a conflict of interest.

Andy Hulsman, as President of Ireland Utilities, and Ken Schnaus, as Secretary/Treasurer, were present on behalf of Ireland Utilities to request a special exception to allow placement of a water storage tank on some land currently owned by Dave Bromm. The property is located south of the dead end of Skyview Drive, south of State Road 56. Mr. Hulsman explained that Ireland Utilities has been required by the State of Indiana to install a

second storage tank to keep pace with water demand that will come with potential future growth in the area.

Mr. Schnaus told the board Ireland Utilities learned this week that it may not need to request a special exception. He said he was shown recent court cases in which water utilities erecting a structure are not subject to local jurisdictional zoning regulations. After hearing that, Attorney Kabrick advised the board to table the public hearing. They could still accept public comments but could not act until she had an opportunity to investigate the matter and present her findings at next month's meeting.

Several area property owners shared concerns that their properties would depreciate in value with the proposed storage tank erected nearby. All property owners present were in agreement for Ireland Utilities to search another piece of land to purchase that would not affect so many residential landowners. Those who spoke were Paul Schwartz, Kim Herzog, Mary Park, Mike Park, Julie Burns John Park, Mike Hochgesang and Kim Aull.

Following some discussion, Paul Lorey made a motion to table the public hearing. Secretary Buck seconded it. Motion carried 3-0.

Petition of Ron Snyder, representing Snyder Rentals, LLC for a special exception to allow a multi-family dwelling in a B-2 zone

Withdrawn.

Petition of Tom's Lawn & Garden Center, Thomas and Sandra Mundy (as owners) for a variance to build within zero (0) feet of the rear yard for construction of an addition to an existing warehouse

Brad Eckerle, of Brosmer Land Surveying, was present on behalf of Tom and Sandra Mundy to request a variance to construct an addition to the warehouse they own located in the parking lot across from their business, Tom's Lawn & Garden Center, at 719 W. 6th Street. Mr. Mundy was also present.

The request is to build the warehouse addition up to the rear property line. Mr. Mundy plans to add on to the north and west sides of the building. There was discussion regarding the alley behind the parking lot. Attorney Kabrick suggested that the public hearing be tabled until it is discovered whether the City owns the alley or if it is owned by a private land owner.

Director of Community Development & Planning Darla Blazey explained that if the warehouse is built up to the property line and would ever have to have some type of repair, the company would have to use the alley, which it does not own. If the alley is owned by someone other than the City, Mr. Mundy may need to get an easement for maintenance. This information could factor into the board's decision on the matter.

Following some discussion, Paul Lorey made a motion to table the public hearing. Secretary Buck seconded it. Motion carried 4-0.

Petition of Aaron Rees for a variance from Section 16.02.140 (Height Regulations) for a proposed accessory building

Brad Eckerle, of Brosmer Land Surveying, was present on behalf of Aaron Rees to construct a detached garage at 322 Meridian Road with a height of 22 feet. Mr. Rees was also present.

A site plan was displayed showing that the detached garage would match the roof of the attached garage, for aesthetic design. Attorney Kabrick read a letter addressed to the board from Joseph and Kristen Elhoujairy of 344 Meridian Road. The Elhoujairys were concerned that the garage would affect the aesthetics and look of their house, depreciate their property and also block the sky view from their bedroom window and deck.

Vice Chairman Gunselman shared his opinion that all of the setbacks for the proposed garage meet the regulations of the City's zoning ordinance and the requested height is not an unheard of number for this board.

With no more discussion, Randy Mehringer made a motion to close the public hearing. Secretary Buck seconded it. Motion carried 4-0.

Randy Mehringer made a motion to grant a variance to construct a detached garage at 322 Meridian Road, with a height not to exceed 22 feet. Secretary Buck seconded it. Motion carried 4-0.

Petition of Joseph Z. and Kristin A. Elhoujairy (as owners) for a special exception to allow a medical clinic in an R-3 (Residential) zone

Withdrawn.

Petition of Joseph Z. and Kristin A. Elhoujairy (as owners) for a variance off-street parking in the front yard, a variance to build within 29 feet the front yard setback, a variance to build within seven (7) feet of the rear yard setback and a variance from the visual clearance on a corner lot for construction of a medical office

Withdrawn.

CITY ATTORNEY – Gun Club Litigation

Attorney Renee Kabrick made the board aware that the City of Jasper Board of Zoning Appeals was named as a defendant in a law suit filed in Dubois County Circuit Court. The law suit was filed by Darren and Ann Patterson. The defendants are the Jasper Rifle and Gun Club and the Board of Zoning Appeals of the City of Jasper. The lawsuit involves the fact that some changes have been made at the Gun Club property and the neighboring property owners are objecting to those changes. The plaintiff is contending that several changes were made including construction of a key code fence over the plaintiff's easement, the removal of a substantial number of trees from the property, which served as a partial buffer from firearm projectiles for the plaintiff's real estate, and an additional shelter that was constructed on its property without approval of the Board of Zoning Appeals. That property is no longer a permitted use; however, it

was grandfathered because the property was already there before the zoning ordinance took effect. Attorney Kabrick said she will keep the board informed as the suit continues.

Steve Haag, Secretary of the Gun Club, asked permission from the board to speak on the matter. He informed the board that the Club contends that an adjoining property owner has motivations to make it as difficult and/or expensive as possible for the Club to continue to operate. Mr. Haag said the Club does have counsel and intends to proceed with the law suit.

ADJOURNMENT

With no further discussion, Secretary Buck made a motion to adjourn the meeting. It was seconded by Randy Mehringer. Motion carried 4-0, and the meeting was adjourned at 8:02 p.m.

Jerry Uebelhor, Chairman

Dan Buck, Secretary

Recording Secretary, Kathy Pfister